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SUPREME COURT, U.S

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1978

NO. 78-5689

HAJJI A.R. AHMAD, et al., Appellant

vs

LOUIS AYTCH, ET. AL.
~~AMERICAN JEWISH CONGRESS~~, et al.,

Appellee

JURISDICTIONAL STATEMENT

HAJJI A.R. AHMAD
pro se
5538 W. Thompson St
Philadelphia, Pennsylvania 19131
215-877-7452

THE OPINIONS BELOW

The order which gave rise to this appeal was filed October 3,1978 and the contents of said order is as follows:AND NOW,this 3rd day of the month of October, 1978,upon consideration of "Applicant's Motion under Rule 41 (b),FRCP,for an order dismissing the motion to withdraw filed in this matter by University of Pennsylvania Legal Assistance Office on the Ground that upon the Facts And The Law The UPLAO Has shown no right to relief", it is hereby ORDERED that the motion is denied."

The motion which was denied by said order requested an injunction to compel the defendant to perform under it's contract to represent the plaintiffs zealously within the bounds of the law.Said motion was filed on Sept 11,1978, and noticed for hearing Sept 25,1978.No parties filed in opposition thereto. On Sept 15th,1978,the court issued an order granting permission for the applicant to withdraw without giving consideration to the contract of employment,plffs request for the sum of one million dollars for breach of agreement in the event of withdrawal,and without giving consideration to the cause of the conflict of interest which caused the applicant to be named a defendant in the matter.

On 29 Sept,1978,the court issued an order denying defendants Aytch and Antonetti' motion for dismissal of plffs Complaint.

The motion of plffs denied in the Oct 3,1978 Order a request for reconsideration of the Court's order of July 11,1978 and Memorandum opinion in which the court ordered stricken from the record and commanding plffs to cause other counsel to enter an appearance which plaintiffs are unable to do because of poverty and because of the refusal of members of the Philadelphia Bar to represent Muslims in their claim foe equal rights.

A notice of appeal to the US Circuit Court of Appeals from the July 11 order was filed and a motion to proceed in forma pauperis with affidavit was filed therewith.On 6th of Sept,1978,the court filed an order which denied plffs application to proceed on appeal in forma pauperis without giving a reason why.

JURISDICTION

This statement is presented by the appellant in support of Jurisdiction by the Supreme Court of The United States and to show that substantial Federal questions are presented by this appeal.Appellant believes that the questions presented by this appeal are of such imperative public importance as to require briefs on the merits with oral argument and immediate resolution.

This appeal is taken pursuant to Section 1252,of Title 28 United States Code.President of The United States ## ,Jimmy Carter,is a party to the action below,a federal officer,and the proceedings below arebrought under Section 1350 of Title 28,USC,by plaintiffs,citizens of Egypt and Citizens of Pennsylvania to collect damages for violation of federal law which caused them to evacuate the Middle East resulting from violations of Article I,Sec 8,clause 10,United States Constitution.

The Order appealed from was filed October 3,1978 and denied the applicants request for reconsideration of the court's order of July 11,1978.

The Notice Of Appeal To The Supreme Court Of The United States was filed on November 1,1978,In The United States District Court For The Eastern District Of Pennsylvania;

Title 28,Section 1252 provides for:Direct appeals from decisions invalidating Acts of Congress;Any party may appeal to the Supreme Court from an interlocutory or final judgement,decree or order of any court of the United States,the United States District Court for the District of the Canal Zone,the District Court of Guam and the District Court of the Virgin Islands and any court of record of Puerto Rico, holding an Act of Congress unconstitutional in any civil action,suit,or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

Cases believed to sustain the jurisdiction of the Supreme Court are:

United States,Petitioner v The Steamer Three Friends,her engines,etc., Napolean B. Broward and Montcalm Broward,claimants,decided March 1,1897, 166 U.S. 1,63;

1 Moore's Federal Practice 0.75

Baker v Carr, 369 U.S. 186 (Subject matter jurisdiction)

Sierra Club v Morton 405 U.S. 727-738 (Representative of the public interest and a private attorney general)

United States v Lee 106 U.S. 196,207-208
Durand v Hollins,8 Fed Cas 111 (No 4186)(C.C.S.D.N.Y.1860);
Flast v Cohen, 392 U.S. 83 (1968);
Doble v United States District Court, 24 FR Serv 653,249 F2d 734 (CA 9th 1957);
Marbury v Madison, 1 Cranch 137,163 (1803)
Dean v Rathje (CA 7th, 1973) 485 F 2d 558, 17 FR Se v 2d 1057;
Pugh v Hull (D Conn 1976)419 F Supp 39;
Reynolds v United States, 98 U.S. 145,166,(1878);
Davis v Beason,133 U.S. 333,345,(1890);
The Church of Jesus Christ of Latter Day Saints v United States 136 U.S. 1(1890);

The validity of the following statutes are involved :

Section 960,Title 18 United States Code :WHOEVER,within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes money for,or takes part in,any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state,or of any colony,district,or people with whom the United States is at peace shall be fined not more than $3,000 or imprisioned not more than three years,or both.

SECTION 956,Title 18 U.S.C.;IF two or more persons within the Jurisdiction of the United States conspire to injure specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace....and if one or more such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy,each of the parties to the conspiracy shall be fined....or imprisioned."

THE QUESTIONS PRESENTED BY THIS APPEAL calls upon the Supreme Court of the United States to declare that the Belief-Conduct distiction permitted by the U.S. Constitution is violated by the actions of the appelles in the belief that the Jews have a right to Palestine, That the so-called Black Muslims have the right to be called and to go in the guise of Muslims while non-Muslim,The Actions of The Church of Jesus Christ of Latter Day Saints to Propogate teachings which brands the negro race as a class as "Cursed of God" and to discriminate against the negro members of the church in employment and other praveleges, The right of NonParty witnesses to cause or make an entry of appearance requesting protective orders from written questions submitted under Rule 31, FRCP,the failure of the United States to repond to discovery,aid to the Jewish religion from public monies,the raising of money from the public for an expedition against a people with whom the United States is at peace,the abuse of the Courts discretion and plffs First Amendment Rights and Rights to Due Process and Equal protection of the law and the rights conferred by 42 U.S.C. 1981 by striking all pro se pleadings from the record, and the dismissing rather the granting of permission for plffs counsel to withdraw without consideration of the contract and the violation of 42 U.S.C. 1985(2) and 18 U.S.C. 241 by the threat to withdraw if plffs exercised certain specific federal rights,are without doubt substantial Federal Questions. Such questions require plenary consideration,with briefs on the merits and eral argument.

This matter was filed March 9,1978 on behalf of the plffs by the University of Pennsylvania Legal Assistance Office.The claim presented was a wrongful death action and survival action along with civil rights violations involved in the Philadelphia Prison. The Deaceased Mohammad Ali Ibn Ahmad whose father,Hajji A.R. Ahmad was named administrator of the estate by the courtwas a citizen of Egypt and a citizen of Pennsylvania. He was forced to evacuate his native land in the Middle East in Nov 1956 and entered the United States. Discrimination against Muslims by Jews and The United States contributed to the poor conditions under which he lived and died but counsel for plffs refused to present any facts regarding the nationality of the plffs and his standing to sue under 28 U.S.C. 1350 for torts sustained from violations of the law of Nations. March 10,1978,the plffs amended the complaint as a matter of course under Rule 15(a),FRCP,and raised the claims which the father sought to have presented to the Court. Additional parties were added under Rule 15(c),naming the parties who would have been named excepting for the actions of counsel,and named counsel defendant because of the violations of the plaintiffs' rights. The Clerk refused plffs request for summons.On July 11,1978,the Courtissued an order striking all of the pro se pleadings.He denied plffs application to proceed on appeal in forma pauperis without giving any grounds. Counsel for Plffs filed a motion requesting permission to witdraw which was granted. Plffs Motion to compel counsel to honor its duties under contract was denied by the Order of October 3,1978,hereby appealed from.

APPENDED TO THIS STATEMENT THE FOLLOWING:

(1)The Court Order of Oct 3,1978, (2)The Order of July 11,1978,
(3) The Order of Sep 6,1978, (4) The Order of Sept 15th,1978
(5)Copy of the Notice of Appeal filed Nov 1,1978.

CONCLUSION

In consideration of the foregoing,Appellant submits that this appeal brings before the court substantial and important questions which require plenary consideration with briefs on the merits and oral argument for their resolution and that this court should expedite this case by advancing it on the calendar for noting probalbe (probable) jurisdiction.

Respectfully submitted,

HAJJI A.R. AHMAD

Appellant,pro se